

IN THE US PATENT AND TM OFFICE

Appn. No.: 09/942,439
Filing Date: 08/30/01
Applicant: Sekendur, Oral F.
Appn. Title: **One Visit Dental Prosthesis**
Examiner: Ralph A. Lewis Mailed 6/21/03
Group: 3300 Chicago, IL
Art Unit: 3732

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

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Date: 6/21/03

Applicant

Oral Sekendur

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RESPONSE TO OFFICE ACTION MAILED 10-22-02

Response to Objections to Duplicate Claims

1. Upon approval of Application or conference with Examiner, Applicant will amend claims to overcome Examiner's objection to Claims 8 and 12 as being identical to Claims 2 and 6.

Response to Rejection based on Prior Art

2. Applicant has already responded to Examiner's Prior Art Rejection based on Shoher (U.S. Patent No. 5,234,343) in his Response to Office Action Mailed 03-28-02.
3. Shoher et al does not provide a formable metal as alleged by the Examiner. Instead, Shoher provides a moldable wax composition comprising metal particles. (column 2, lines 48-51). On the other hand, the Applicant provides a metal screen, metal mesh, metal felt, sintered metal fibers or the like (Claims 5 and 11). The Applicant does not provide for wax or metal particles in a moldable wax. The metal particles in Shoher, in themselves, are not formable. Only Shoher's wax is formable.
4. The Examiner argues that Shoher's "metal particles" comprise both the features of the "formable metal" and the "joining means" in the present Application. In fact, the metal particles in Shoher are not formable. Only, the wax is formable.
5. Shoher does not provide for the shaping of the formable metal on the working platform as in the present Application. Instead, Shoher provides for the moldable wax composition to be shaped on a die.
6. Heat treating Shoher's wax "mixture comprising particles (column 8, line 24) allegedly forms a porous structure (column 8, line 34) which must be filled with a filler material (column 8, line 37). In the present application, heat-treating does not form a porous structure that has to be filled. This is an extra step in Shoher.
7. Shoher does not work. Heat-treating the wax composition causes the wax to melt and flow off the die. The metal particles in the wax flow off the die along with the wax. There is no means in Shoher to hold the metal particles on the die when wax is melted. The presently commercially available version of Shoher solves this problem by placing a

mold around the formed wax. A mold provides a reservoir for the molten metal to form to the desired shape. Without a mold, the melting wax pulls the metal particles off the die.

8. Examiner rejects Claims 14-20 based on 35 U.S.C. 103(a) over Shoher and states that cementing a patient's tooth is obvious. Applicant is combining this feature with other features of Claim 14, including "a formable metal" and "shaping said formable metal on said working platform to form a metal structure". It is the Applicant's position that, in combination, these features, including cementing a patient's tooth, are patentable.

The Applicant respectfully requests that this action be made NON-FINAL.

The Applicant requests a telephone interview with the Examiner to discuss acceptable claims in the Application (tel. 312-804-8474).

It is submitted that patentable subject matter is clearly present. If the Examiner agrees, but does not feel that the present claims are technically adequate, the Applicant respectfully requests that the Examiner write acceptable claims pursuant to MPEP 707.07(j).

Applicant Oral Sekendur (tel. 312-804-8474)